

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NYALUAK KIER,	)	8:08CV254
	)	
Plaintiff,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
APRIL CARLSON, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on its own motion. On June 19, 2007, Plaintiff filed an unsigned Complaint. The Clerk of the court entered a Text Notice of Deficiency (filing no. 4, no hyperlink available) on June 23, 2008, and sent a copy of that Text Notice to Plaintiff on the same date. Plaintiff was given 15 days to correct the signature deficiency.

Federal Rule of Civil Procedure 11 states that “every pleading . . . must be signed by at least one attorney of record . . . or by the party personally if the party is unrepresented.” [Fed. R. Civ. P. 11\(a\)](#). Further, “[t]he court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” *Id.* Plaintiff, who is proceeding *pro se*, failed to sign his Complaint. The court called this signature deficiency to Plaintiff’s attention on or about June 23, 2008. Since then, over a month has passed and Plaintiff has yet to correct the deficiency. Because Plaintiff failed to sign his Complaint, the court must strike it from the record and dismiss this case for Plaintiff’s failure to prosecute diligently.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to sign his Complaint and failed to prosecute this matter diligently.

2. Plaintiff's Motions for Leave to Proceed in forma pauperis (filing nos. [1](#), [5](#)) are denied as moot.

3. A separate judgment will be entered in accordance with this Memorandum and Order.

August 11, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge